

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTEVAC, INC.

Plaintiff,

v.

UNAXIS USA, INC., et al.,

Defendants.

No. C 07-80102 MISC PJH

**ORDER GRANTING APPLICATION
FOR ORDER TO SHOW CAUSE**

Before the court is Unaxis USA, Inc.'s, Unaxis Balzers Aktiengesellschaft's, and Unaxis Balzers, Ltd.'s (collectively "Unaxis") application for an order to show cause why Robert E. Weiss should not be held in civil contempt for failure to respond to a subpoena duces tecum that Unaxis served on Mr. Weiss on October 19, 2006. Unaxis specifically requests that the court schedule an order to show cause hearing, and compel Mr. Weiss to comply with the subpoena pursuant to Federal Rule of Civil Procedure ("FRCP") 45(e).

The court hereby GRANTS Unaxis' application for an order to show cause re contempt, finding that Mr. Weiss has properly been served with notice of the instant application, and good cause exists for the order. See, e.g., Pennwalt Corp. v. Durand-Wayland, Inc., 708 F.2d 492, 495 (9th Cir. 1983)(a "hearing on the propriety or the reasonableness of" sanctions is warranted under FRCP 45); Fisher v. Marubeni Cotton Corp., 526 F.2d 1338, 1342 (8th Cir. 1975)("[d]ue process requires that civil contemnor be given basic requirements of due process, i.e., adequate notice and opportunity to be heard at meaningful time and in meaningful manner").

Accordingly, Mr. Robert Weiss is hereby ORDERED to show cause why he should not be held in civil contempt for failure to comply with the subpoena duces tecum issued to

1 him on October 19, 2006. The show cause hearing will be held on **May 23, 2007**, at 9:00
2 a.m., in Courtroom 3, 17th Floor, Federal Building, 450 Golden Gate Avenue, San
3 Francisco, California.

4 Mr. Weiss is further ORDERED to file and serve any opposition no later than May 2,
5 2007. Unaxis shall file and serve any reply to any opposition no later than May 9, 2007.

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7 **IT IS SO ORDERED.**

8 Dated: April 18, 2007



PHYLLIS J. HAMILTON
United States District Judge